

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

FEB 19 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte NORMAN PAUL FORMO

Application No. 09/520,947

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on January 12, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

- (1) Appellants filed a Reply Brief on September 5, 2003, in response to the Examiner's Answer entered July 2, 2003. However, there is no indication on the record whether or not the examiner has responded to the Reply Brief. Section 1208.03 of the Manual of Patent Examining Procedure (8th ed., Rev. 1, Feb. 2003) states:

Appellant may file a reply brief to an examiner's answer or a supplemental examiner's answer within 2 months from the date of such examiner's answer or supplemental examiner's answer. . . . The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief. See also 37 CFR § 1.193. (emphasis added).

This electronic application does not have an active paper reflecting the examiner's acknowledgment of the Reply brief.

(2) In the PTO Palm system, there is a paper dated 3/8/2000 that is listed as an Information Disclosure Statement (IDS). However, this IDS is not found in the electronic application.

Accordingly, it is

ORDERED that the application is returned to the Examiner for

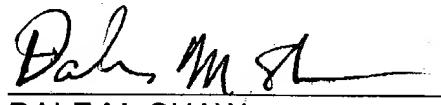
- (a) a proper response to the Reply Brief in conformance with 37 CFR § 1.193 (b)(1) and entry of the response in the electronic application,
- (b) a copy of the IDS dated 03/08/2000, scanned into the electronic application, or if there is no such IDS have it noted as such,
- (c) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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